

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

NOV 1 - 2024

MORY L. PENNY, CLERK  
U.S. District Court  
Southern District of West Virginia

Robert Lee Butterworth

# 3535768

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO.

(Number to be assigned by Court)

2:24-cv-00631

South Central Regional Jail

Orkin Pest Control

(Enter above the full name of the defendant  
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_

No X

II. Place of Present Confinement: South Central Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No       

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No       

C. If you answer is YES:

1. What steps did you take? Grieved all the way to Commissioner.

2. What was the result? Grievance Denied

D. If your answer is NO, explain why not:

N/A

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Robert Lee Butterworth # 3535768

Address: 1001 Centre Way, South Charleston W. Va. 25309

B. Additional Plaintiff(s) and Address(es):

N/A

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

Defendants:

2. Court (if federal court, name the district; if state court, name the county);

3. Docket Number:

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit:

7. Approximate date of disposition:

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant: South Central Regional Jail  
 is employed as: South Central Regional Jail  
 at South Central Regional Jail
- D. Additional defendants: Orkin Pest Control  
Company

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On May 16<sup>th</sup>, 2024 I was in Alpha-8-Cell-5 which is a 23hr.  
lockdown section. Correctional officer Lornitis served my lunch  
which is on a tray with no type of lid or cover on it. About 5 min.  
later Correctional Officer Elswick Opened the Cell and asked me  
to step out so Orkin could spray For bugs so I did. My tray  
was in the cell while Orkin sprayed. They put me directly back  
in the cell and Refused to give me another tray. I ate  
the Tray and got Deathly Sick and Had to be Rushed to Medical

**IV. Statement of Claim (continued):**

Where I was told to just Puke it all up out of my System,  
Which is not Proper Proticall.

ORKIN: They or there Employees Have to go through Training  
and take Tests and Know Better to Spray the Chemical  
Bithor SC which is Extremely Toxic around my Open Food  
And if Sprayed in an inclosed Enviornment with Humans  
it is to be Evacuated untill the Chemical dries.  
The guys Name from Orkin that sprayed is  
Shane, Video footage is available From the Date of  
Incident

**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

Would like the Courts to grant These Companies to  
Compesate me for Pain and Suffering Due to the  
Sickness I incurred due to Exposure of the  
Chemical BITHOR SC which is an Extremely Toxic  
Chemical used to Kill Pestesides, and Varments and could  
Cause Death to Humans, Was told to Puke it all  
out of my System and Was Denied to get to a  
Hospital, Was sick for over 5 days. Would like  
\$100,000.00 For Actucall Damages and Another —

V. Relief (continued)):

\$500,000.00 For Punitive Damages

I can still Barely Swallow at this Present  
Moment, not to mention what the long term side  
effects will Be.

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes X

No \_\_\_\_\_

If so, state the name(s) and address(es) of each lawyer contacted:

Paul Strobel, 405 Capital St. Suite - 102

P.O. Box 2582 Charleston, Wv 25329

If not, state your reasons: Do \$ to Pay Him

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_\_\_

No X

If so, state the lawyer's name and address:

N/A

Signed this 29 day of October, 2024.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rahel Lee Beuthaus  
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/29/24  
(Date)

Rahel Lee Beuthaus  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)

ONE STAPLE ONLY

WVDCR Inmate Grievance Form

Grievance No.

245085 CF-A6-052801B

WVDCR Policy Directive 335  
15 February 2  
Attachments  
GENERAL DISTRIBUTIONRobert Butterworth  
Inmate Name3535768  
OID #5-28-24  
Date of GrievanceState Nature of Grievance / Issue to be addressed (Note: 1 issue per grievance be concise file with Director of Inmate Services.  
TO WRITING ON BACK):

On May 16th 2024 Between 12:25pm and 12:30pm CO Lornitis was serving lunch in Alpha 8 which is a lock down section. I was in cell 5. During my tray around 12:32pm to 12:35pm CO ELSWICK and Lornitis came to my cell and asked if we could please step out of the cell.

Relief Sought (state what you want):

TO BE COMPENSATED FOR DISREGARDS OF HUMAN LIFE.

Robert Butterworth  
Inmate's Signature

(The inmate may attach one 8.5 x 11 sheet if necessary, at this level only)

Director of Inmate Services Response (attach additional sheet if needed)

Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ Reason for rejection: \_\_\_\_\_

Date: 5/28/24

Response on Merits if accepted:

Will look into it.

Signature

Involved: \_\_\_\_\_ (if so initial and give copy to Director of Inmate Services) Appealed to Superintendent RLB (initial) Date: 5-31-24

If no response at initial level is included the inmate certifies that he/she has tendered this grievance as indicated above and no response has been issued at that level within the time frames set forth in Policy Directive 335.00.

Robert Butterworth  
Inmate's Signature5-31-24  
Date

Action by Superintendent:

Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ Reason for rejection: \_\_\_\_\_ Date: \_\_\_\_\_

Response on Merits if accepted: \_\_\_\_\_ Remand to Unit for further action \_\_\_\_\_ Affirm unit and/or deny grievance \_\_\_\_\_ Grant the Grievance as specified \_\_\_\_\_

Comments: \_\_\_\_\_

R. Johnson  
Superintendent's Signature  
5-31-24  
Date (Attach additional sheet if necessary)

Involved: \_\_\_\_\_ (if so initial and give copy to Director of Inmate Services) Appealed to Commissioner RLB (initial)

If no response at Superintendent's level is included, the inmate certifies that he/she has tendered this grievance as indicated above and no response has been issued at that level within the time frames set forth in Policy Directive 335.00.

Robert Lee Butterworth  
Inmate's Signature6-3-24  
Date

JUN 06 2024

Action by Commissioner:

Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ Reason for: \_\_\_\_\_  
Response on Merits if accepted: \_\_\_\_\_ Affirm Sup: \_\_\_\_\_AFFIRMED  
Grievance Denied  
Central Office  
Grievance ReviewWest Virginia Division of  
Corrections and Rehabilitation  
Date: JUN 2024  
Other, memo attached.

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- with my cellie Cody Fuller and I complied, as we was walking out of the cell I saw Someone Wearing a Red in Color shirt with the name ORKIN on it. He had a Stainless Steel Container with a pump handel, a Hose with a spray Nozel in His Hand and stated He was spraying for Bugs. Now remind you my tray is in the cell with no lid or any type of cover on it. They person from ORKIN sprayed the inside of the cell and exited the cell and told the CO's their good to go back in. They put us back in the cell and locked the door. I Finished eating my Food and about 20 to 30 min. later I got Deathly Sick, I was Pukeing Perfusely, My Stomach was hurting, throat felt like it was sweating shut. So I yelled for the CO and asked him to Please get someone. He stepped into the hallway and got Sgt. Spaulding with got me medical RN Cindy. She came to my cell and Had me step out<sup>of</sup> the cell, She asked me what happened, so I told Her. She took my vitals with were not Normal, and told the CO That I needed to go to medical Now. So I was Escorted to Medical and The Nurse Cindy Found the ORKIN people and Found out the Name of the Chemical they were using with was BITHOR SC, with is Extremely TOXIC and is not to be used around Food, and if sprayed in an enclosed enviornment it is to be evacuated untill it dries, no less than 30 minutes to 2 hours. Ms Cindy contacted Poison Control and she said they said to keep me in medical and let me puke it all up. I was in Medical for 2 Hours. I was still pukeing and my stomach has been Hurting, and Have had a Sore throat for about 5 Days I've put Sick calls in over it also. I should Have been giving a new tray, and Not Been left in a cell with the Chemical BITHOR SC Freshly sprayed that made me sick ~~and~~. This was Done with No Regards to Human Life.

Please See Video Survalience in Alpha 8 Pod ~~for~~ For May 16<sup>th</sup> 2024 I Was in Cell 5.

Thank You.